



To the Honorable Council
City of Norfolk, Virginia

May 24, 2011


From: Frank M. Duke, AICP, Planning Director

Subject: To amend a previously granted Special Exception for a Religious Institution at 405 Pendleton Street and 111/113 West Indian River Road – Burning Bush Worship Center

Reviewed: Stanley Stein, Assistant City Manager

Ward/Superward: 4/7

Approved:



Marcus D. Jones, City Manager

Item Number:

R-19

- I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements, consistency with approved plans, and neighborhood support.
- II. **Applicant:** Burning Bush Worship Center by Willie R. McNair
405 Pendleton Street and 111/113 West Indian River Road Norfolk VA
- III. **Description:**
This agenda item is to allow the placement of a building at 111/113 West Indian River Road for Burning Bush Worship Center's ministry work.
- IV. **Analysis**
 - This request affects two properties on West Indian River Road separated by Pendleton Street.
 - These properties are located within the Beacon Light/Berkley neighborhood surrounded by single-family residential and industrial uses.
 - Both sites are zoned R-8 (One-Family) district.
 - Religious Institutions are permitted by Special Exception.
 - The church is a legal conforming use located at 405 Pendleton Street.
 - The applicant is proposing to expand the church's activities to the property at 111/113 West Indian River Road.

	Prior	Proposed
Hours of Operation	7:30 p.m. until 10:00 p.m., Wednesday and Friday 9:30 a.m. until 3:30 p.m., Sunday	8:00 a.m. until 9:00 p.m., Monday through Thursday 8:00 a.m. until 5:00 p.m., Friday 12:00 noon until 6:00 p.m., Saturday 9:00 a.m. until 8:00 p.m., Sunday

- The *General Plan* designates both sites as Medium Density Residential.
 - Religious Institutions under one acre, such as this one, are allowed in Residential districts, making the proposed use consistent with the *General Plan*.
- No new trips are anticipated.
- The building will be used for the church's ministry work and will be accessory to the existing church.
- The applicant is proposing a premanufactured building to be installed at 111/113 West Indian River Road.
- The attached conditions ensure compliance with ordinance requirements.

V. Financial Impact

N/A

VI. Environmental

- Landscaping, in accordance with Chapter 17 of the *Zoning Ordinance*, will be required on the site when new construction is proposed.
- There is adequate parking on the site.
- The Beacon Light Civic League, the Southside Coalition, and three citizens have provided letters of support.

VII. Community Outreach/Notification

- Legal notice was posted on the property on March 15.
- A letter was mailed to the president of the Beacon Light/Berkley Civic League on April 1.
- Letters were mailed to all property owners within 300 feet of the property on February 13.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and 21.
- Notice was sent to Civic Leagues by the Department of Communications on April 15.
- The Planning Commission public hearing was held on April 28.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VII. Board/Commission Action

By a vote of **6 to 0**, the Planning Commission recommended that the request to amend the previously granted Special Exception for a Religious Institution be **approved**.

VIII. Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Ordinance
- Location Map
- Zoning Map
- Site Plan
- Application
- Letters of Support
- Proponents and Opponents

Proponents and Opponents

Proponents


Willie R. McNair - Applicant
405 Pendleton Street
Norfolk, VA 23523

Opponents

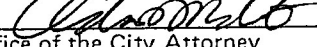
None

5/9/11 ts


Form CCO-003

Form and Correctness Approved: 

Contents Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

By 
DEPT.

ORDINANCE No. 44,261

R-19
AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A RELIGIOUS INSTITUTION ON PROPERTY LOCATED AT 111 AND 113 WEST INDIAN RIVER ROAD.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of a Religious Institution on property located at 111 and 113 West Indian River Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 100 feet, more or less, along the southern line of West Indian River Road and 90 feet, more or less, along the eastern line of Pendleton Street, property also fronts 90 feet, more or less, along the western line of Pendleton Street and 90 feet, more or less, along the eastern line of Clifton Street; premises numbered 111 and 113 West Indian River Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The hours of operation for the facility shall be from 8:00 a.m. until 9:00 p.m. Monday through Thursday, 8:00 a.m. until 5:00 p.m. Friday, 12:00 noon until 6:00 p.m. Saturday, and from 9:00 a.m. until 8:00 p.m. on Sunday. No use of the facility outside the hours of operation listed herein shall be permitted.
- (b) The property will be developed in accordance with the requirements of Chapter 17, entitled "Landscape Plantings and Buffers," of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

- (c) No vehicle shall be permitted to park on any unimproved surface.
- (d) No certificate of occupancy for any building at either 111 West Indian River Road or 113 West Indian River Road shall be issued until after either of the following have been accomplished:
 - (1) All required landscaping has been installed, or
 - (2) A bond sufficient to cover the cost of materials and labor needed for the installation of all required landscaping has been secured and provided to the city.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in § 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not

to interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect

from the date of its adoption.

Adopted by Council May 24, 2011
Effective May 24, 2011

TRUE COPY

TESTE:

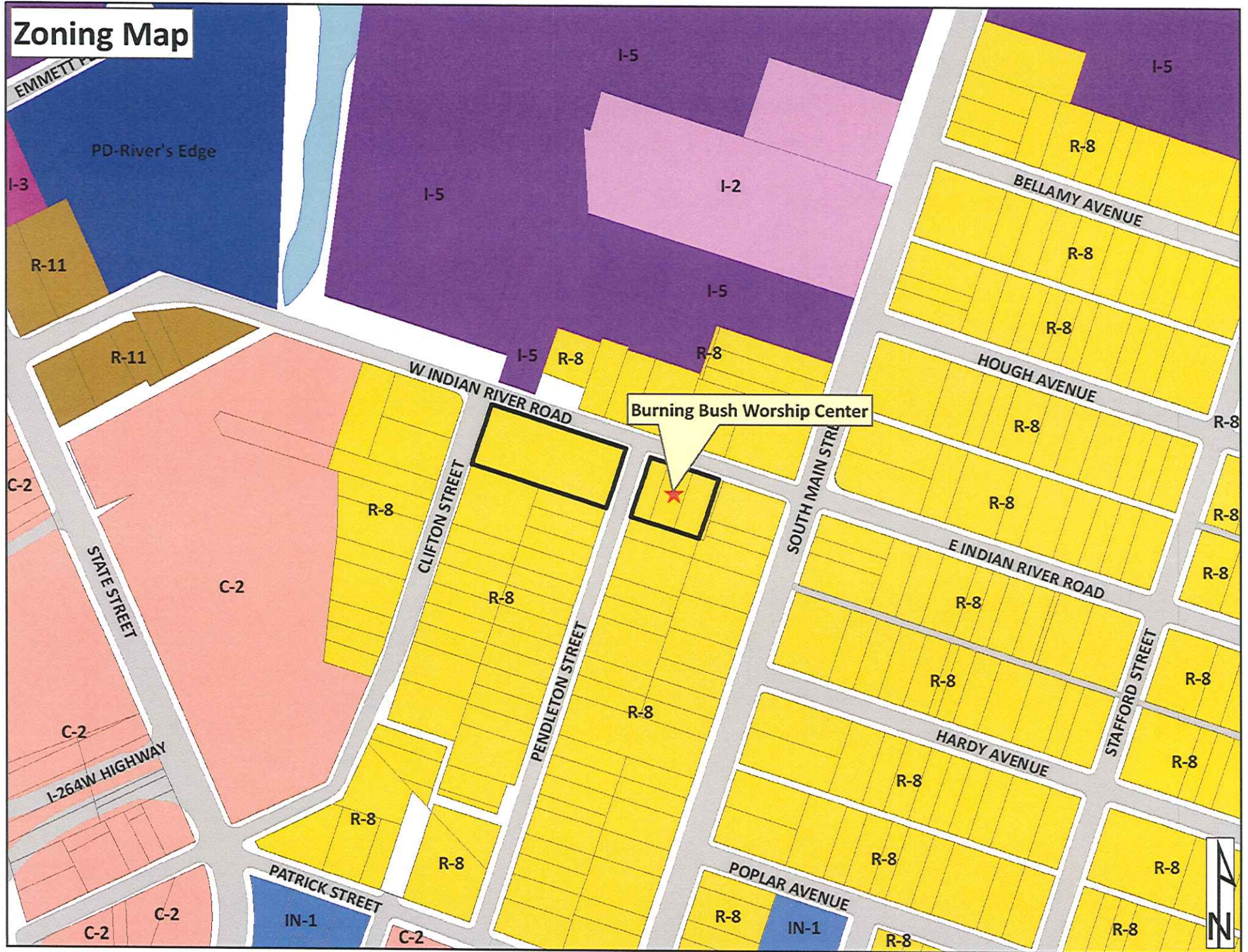
R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK

Location Map



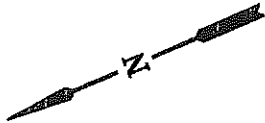
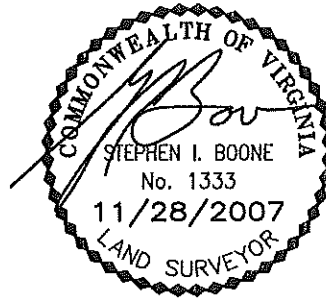
Zoning Map



THIS IS TO CERTIFY THAT ON NOVEMBER 28, 2007, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE PROPERTY SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "C"
FIRM MAP CITY OF NORFOLK COMMUNITY NO. 510104
MAP REVISION: APRIL 17, 1984 PANEL NO. 0018D

THIS SURVEY PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT.



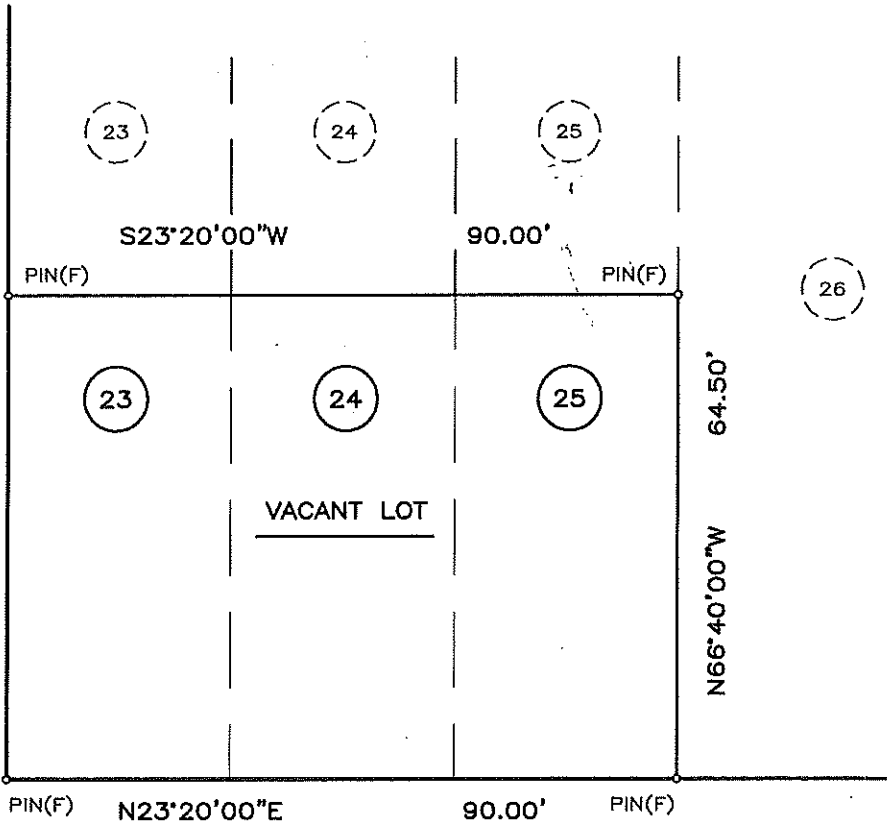
(CITY OF NORFOLK
SURVEY DEPARTMENT)
(FIELD)

W. INDIAN RIVER ROAD (40' R/W)
E. INDIAN RIVER ROAD (40' R/W)

(FORMERLY MAPLE STREET)

64.50'

S66°40'00"E



PENDELTON STREET (40' R/W)
(FORMERLY 1ST STREET)

REFERENCE:
INSTRUMENT NO. 040025098
INSTRUMENT NO. 040027952

PHYSICAL SURVEY OF

THE WESTERN 64.5' OF LOTS 23, 24 AND 25
A PLAT OF PROPERTY ON WASHINGTON POINT BELONGING TO
MRS. R.B. TUNIS
PLAT A
NORFOLK, VIRGINIA
M.B. 1, PG. 73 (CHESAPEAKE)

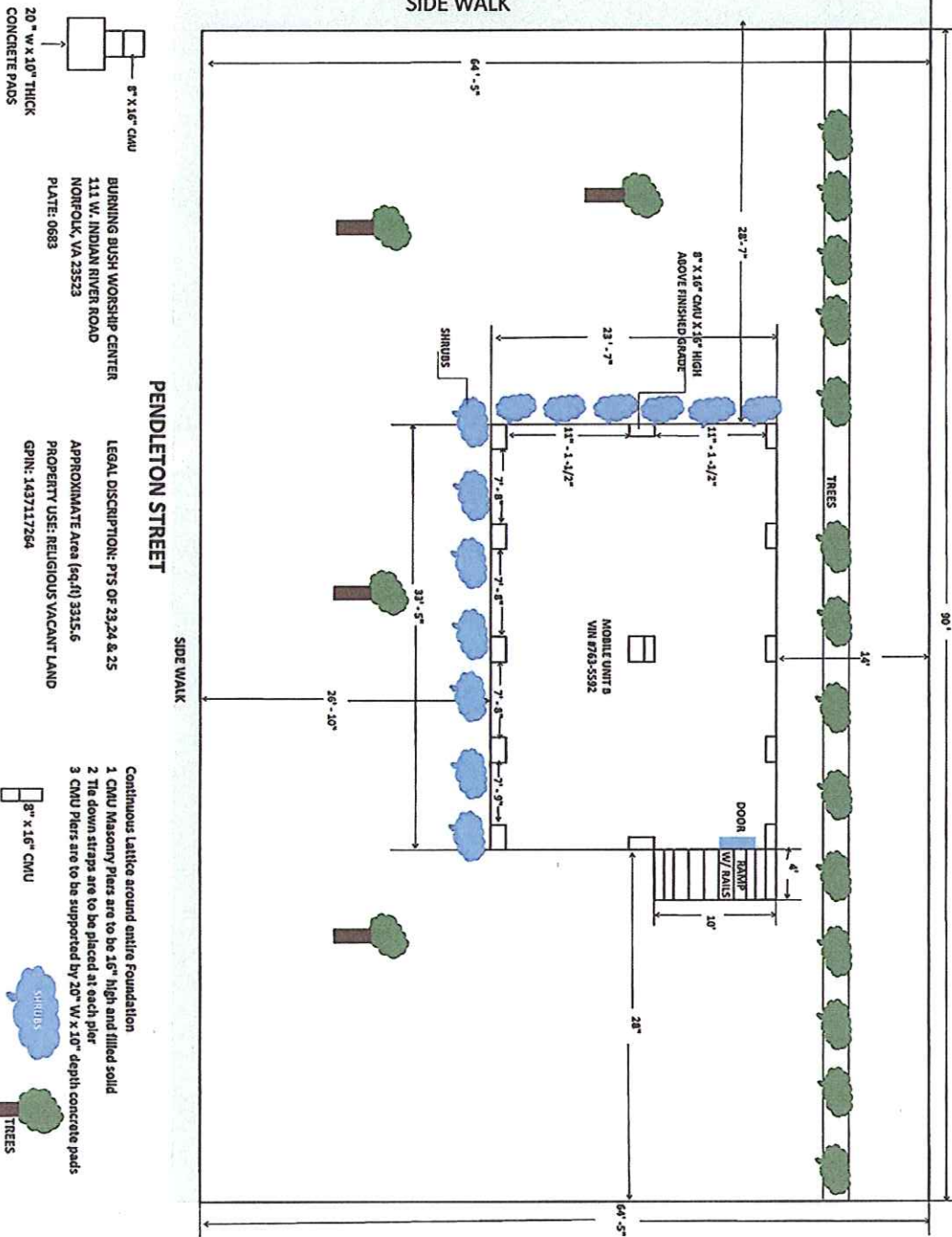
FOR: GREATER MT. ZION COMMUNITY CHURCH, INC.

STEPHEN I. BOONE & ASSOCIATES, P.C.
LAND SURVEYORS
PORTSMOUTH, VIRGINIA

SCALE: 1" = 20'

DATE: NOVEMBER 28, 2007

W. INDIAN RIVER ROAD
SIDE WALK



PENDLETON STREET

BURNING BUSH WORSHIP CENTER
111 W. INDIAN RIVER ROAD
NORFOLK, VA 23523
PLATE: 0683

LEGAL DISCRIPTION: PTS OF 23, 24 & 25
APPROXIMATE Area (sq.ft) 3315.6
PROPERTY USE: RELIGIOUS VACANT LAND
GPIN: 1437117264

Continuous Lattice around entire Foundation

- 1 CMU Masonry Piers are to be 16" high and filled solid
- 2 Tie down straps are to be placed at each pier
- 3 CMU Piers are to be supported by 20" W x 10" depth concrete pads

8" x 16" CMU



City of Norfolk

APPLICATION SPECIAL EXCEPTION

Special Exception for: _____

Date of application: 3/14/11

DESCRIPTION OF PROPERTY

Property location: (Street Number) 113 (Street Name) W. INDIAN RIVER Rd

Existing Use of Property PARKING

Current Building Square Footage N/A

Proposed Use Building to house OUR FOOD SHARE MINISTRY

Proposed Square Footage ~~1667~~ 794

Proposed Hours of Operation:

Weekday From ⁸~~9~~:00 AM To ⁹~~5~~:00 PM

Friday From ⁸~~9~~:00 AM To 5:00 PM

Saturday From 12 NOON To ⁶~~4~~:00 PM

Sunday From 9:00 AM To ⁸~~3~~:00 PM

Trade Name of Business (If applicable) BURNING BUSH WORSHIP CENTER

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) McNAIR (MI) R (First)
WILLIE

Mailing address of applicant (Street/P.O. Box): 405 Pendleton Street

(City) NORFOLK (State) VA (Zip Code) 23523

Daytime telephone number of applicant (757) 717-2771 Fax number () _____

E-mail address of applicant: REUBENMAC18@AOL.COM
BURNING BUSH WORSHIP CENTER

2. Name of property owner: (Last) _____ (MI) _____ (First) _____

Mailing address of property owner (Street/P.O. box): 405 Pendleton Street

(City) NORFOLK (State) VA (Zip Code) 23523

Daytime telephone number of owner (757) 543-4254 Fax number () _____

CIVIC LEAGUE INFORMATION

Civic League contact: Brecon Light / Berkley Pamek Rodgers 961-5294

Date(s) contacted: 3-14-11

Ward/Super Ward information: 417

REQUIRED ATTACHMENTS:

- ✓ Check for \$265.00 made payable to: Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking,
 - Landscaping
 - Property lines (*see attached example).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

SIGNED:

Willie R. McNair Willie R. McNair 3 / 14 / 11
Print Sign Date
(Property owner or authorized agent signature)

SIGNED:

Willie R. McNair Willie R. McNair 3 / 14 / 11
Print Sign Date
(Applicant signature)